

THOMPSON LAW, LLC
Colin M. Thompson, Esq.
J.E. Tenorio Building
PMB 917 Box 10001
Saipan, Mariana Islands 96950
Telephone: (670) 233-0777
Facsimile: (670) 233-0776

Attorney for Pacific Rim Land Development, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

PACIFIC RIM LAND DEVELOPMENT, LLC,

Plaintiff,

vs.

**IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,**

Defendant.

Case No. 1:19-cv-00016

**APPLICATION FOR WRIT OF
EXECUTION**

Date:

Time:

Courtroom:

Judge: Ramona V. Manglona

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, Plaintiff Pacific Rim Land Development, LLC (“Pacific Rim”) applies for a writ of execution in the form attached as Exhibits 1, 2, 3 and 4 to be directed to financial institutions or entities, to enforce this Court’s judgment in this cause against judgment debtor Imperial Pacific International (CNMI), LLC (“IPI”):

1. The Court entered judgment in favor of Pacific Rim on April 27, 2020, in the amount of Five Million Six Hundred Fifty Thousand Dollars, against defendant Imperial Pacific International (CNMI), LLC (“IPI”). [ECF 106.]

2. IPI has not posted a supersedeas bond and has not obtained an order staying execution on the judgment.¹

3. The automatic stay operates only for thirty days from the date of the judgment. *See* Fed. R. Civ. P. 62(a). The automatic stay expires on May 27, 2020. Accordingly, Pacific Rim requests that the Writs of Execution take affect and be served by the U.S. Marshal tomorrow, May 28, 2020.

4. The judgment remains unsatisfied in its entirety. IPI has not paid any sum against the judgment.

5. Rule 69(a)(1) of the Federal Rules of Civil Procedure provides: “A money judgment is enforced by a writ of execution, unless the court directs otherwise.”

6. Under Federal Rule of Civil Procedure 69(a), execution of a money judgment rendered by a federal district court is to be made in accordance with the practice and procedure of the State in which the district court sits. Pursuant to CNMI law, “[t]he process to enforce a judgment for the payment of money may be a writ of execution or an order in aid of judgment”. 7 CMC § 4101.

7. “Commonwealth statute and court rules are silent as to the particular procedure to follow when enforcing a judgment through writ of execution.” *J.C. Tenorio Ent., Inc. v. Lalaine J. Baltazar*, Civ. No. 96-1082 (NMI Super. Ct. Aug. 8, 2014) (Order Denying Motion Re: Enforcement of Money Judgment at 2).

8. “To comply with 7 CMC § 4204, the writ must include an accounting of the amount of money necessary to satisfy the judgment and applicable costs and fees and instructions for the levying officer. And, to comply with 7 CMC § 4210, the writ must be served on the judgment debtor, even in the case of default, and include notice of the exemptions and notice of an upcoming hearing on the

¹ Currently pending before the Court is Defendant’s Motion to Stay Execution of Judgment Pending Appeal. [ECF 123]

1 exemptions.” *J.C. Tenorio Ent., Inc. v. Lalaine J. Baltazar*, Civ. No. 96-1082 (NMI Super. Ct. Aug. 8,
2 2014) (Order Denying Motion Re: Enforcement of Money Judgment at 3 n.1).

3 9. Upon information and belief, IPI maintains bank accounts in the CNMI at financial
4 institutions or entities, including Bank of Saipan, City Trust Bank, Bank of Guam and First Hawaiian
5 Bank.

6 10. Pacific Rim requests the Court to issue the writ of execution to transfer money owned or
7 controlled by IPI from the Bank of Saipan, City Trust Bank, Bank of Guam and First Hawaiian Bank and
8 to be held in the Court’s registry or account until after a hearing on exemptions, if any.

9 11. Pacific Rim has included a writ of execution notice attached as Exhibit 5 to serve upon
10 IPI notifying IPI of its rights for a hearing on exemptions.

11 WHEREFORE, Pacific Rim Land Development, LLC applies for a writ of execution directed at
12 banks holding money belonging to judgment debtor Imperial Pacific International (CNMI), LLC, in the
13 amount not to exceed Five Million Six Hundred Fifty Thousand Dollars, to be served upon the financial
14 institutions or entities, at the bank’s location within this District. Pacific Rim requests to the Court to set
15 a hearing on the return of the writ and to provide IPI with the opportunity to advance any applicable
16 exemptions.
17

18 Respectfully submitted on May 27, 2020.

19 /s/ Colin. M. Thompson
20 **THOMPSON LAW, LLC**
21 Colin M. Thompson
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EXHIBIT 1

THOMPSON LAW, LLC

Colin M. Thompson, Esq.
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**PACIFIC RIM LAND DEVELOPMENT,
LLC,**

Case No. 1:19-cv-00016

Plaintiff,

vs.

**IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,**

Defendant.

WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL FOR THE NORTHERN MARIANA ISLANDS and
BANK OF SAIPAN:

Judgment having been entered in the above cause on April 27, 2020, in the sum of \$5,650,000.00, in favor of plaintiff, Pacific Rim Land Development, LLC, and against the defendant, Imperial Pacific International (CNMI), LLC, said sum having not been paid, you are commanded to seize from the garnishee, BANK OF SAIPAN and BANK OF SAIPAN is ordered to comply with this writ to provide any and all accounts, money or currency held by or under the control of defendant, Imperial Pacific International (CNMI), LLC, including, but not limited to, checking account funds, savings account funds, private reserve account funds, CDs,

1 cash, currency in safety deposit boxes and make return of this writ, and the execution thereof,
2 according to law in an amount not exceeding \$5,650,000.00 and are commanded to deposit all
3 monies seized from the BANK OF SAIPAN into the Court's registry or account where said
4 proceeds shall remain until after Imperial Pacific International (CNMI), LLC has had an
5 opportunity for an exemptions hearing.
6

7 IN WITNESS WHEREOF, I, Heather Kennedy, Clerk of said Court, have set my hand
8 this the 28th day of May, 2020.

9 HEATHER KENNEDY, Clerk
10 United States District Court
11 For the Northern Mariana Islands

12 BY: _____
13 Clerk of Court
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EXHIBIT 2

THOMPSON LAW, LLC

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FOR THE NORTHERN MARIANA ISLANDS**

**PACIFIC RIM LAND DEVELOPMENT,
LLC,**

Case No. 1:19-cv-00016

Plaintiff,

vs.

**IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,**

Defendant.

WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL FOR THE NORTHERN MARIANA ISLANDS and
CITY TRUST BANK:

Judgment having been entered in the above cause on April 27, 2020, in the sum of \$5,650,000.00, in favor of plaintiff, Pacific Rim Land Development, LLC, and against the defendant, Imperial Pacific International (CNMI), LLC, said sum having not been paid, you are commanded to seize from the garnishee, CITY TRUST BANK and CITY TRUST BANK is ordered to comply with this writ to provide any and all accounts, money or currency held by or under the control of defendant, Imperial Pacific International (CNMI), LLC, including, but not limited to, checking account funds, savings account funds, private reserve account funds, CDs,

1 cash, currency in safety deposit boxes and make return of this writ, and the execution thereof,
2 according to law in an amount not exceeding \$5,650,000.00 and are commanded to deposit all
3 monies seized from the CITY TRUST BANK into the Court's registry or account where said
4 proceeds shall remain until after Imperial Pacific International (CNMI), LLC has had an
5 opportunity for an exemptions hearing.
6

7 IN WITNESS WHEREOF, I, Heather Kennedy, Clerk of said Court, have set my hand
8 this the 28th day of May, 2020.

9 HEATHER KENNEDY, Clerk
10 United States District Court
11 For the Northern Mariana Islands

12 BY: _____
13 Clerk of Court
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EXHIBIT 3

THOMPSON LAW, LLC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

**PACIFIC RIM LAND DEVELOPMENT,
LLC,**

Case No. 1:19-cv-00016

Plaintiff,

vs.

**IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,**

Defendant.

WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL FOR THE NORTHERN MARIANA ISLANDS and
BANK OF GUAM:

Judgment having been entered in the above cause on April 27, 2020, in the sum of \$5,650,000.00, in favor of plaintiff, Pacific Rim Land Development, LLC, and against the defendant, Imperial Pacific International (CNMI), LLC, said sum having not been paid, you are commanded to seize from the garnishee, BANK OF GUAM and BANK OF GUAM is ordered to comply with this writ to provide any and all accounts, money or currency held by or under the control of defendant, Imperial Pacific International (CNMI), LLC, including, but not limited to, checking account funds, savings account funds, private reserve account funds, CDs, cash,

1 currency in safety deposit boxes and make return of this writ, and the execution thereof,
2 according to law in an amount not exceeding \$5,650,000.00 and are commanded to deposit all
3 monies seized from the BANK OF GUAM into the Court's registry or account where said
4 proceeds shall remain until after Imperial Pacific International (CNMI), LLC has had an
5 opportunity for an exemptions hearing.
6

7 IN WITNESS WHEREOF, I, Heather Kennedy, Clerk of said Court, have set my hand
8 this the 28th day of May, 2020.

9 HEATHER KENNEDY, Clerk
10 United States District Court
11 For the Northern Mariana Islands

12 BY: _____
13 Clerk of Court
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EXHIBIT 4

THOMPSON LAW, LLC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

**PACIFIC RIM LAND DEVELOPMENT,
LLC,**

Case No. 1:19-cv-00016

Plaintiff,

vs.

**IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,**

Defendant.

WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL FOR THE NORTHERN MARIANA ISLANDS and
FIRST HAWAIIAN BANK:

Judgment having been entered in the above cause on April 27, 2020, in the sum of \$5,650,000.00, in favor of plaintiff, Pacific Rim Land Development, LLC, and against the defendant, Imperial Pacific International (CNMI), LLC, said sum having not been paid, you are commanded to seize from the garnishee, FIRST HAWAIIAN BANK and FIRST HAWAIIAN BANK is ordered to comply with this writ to provide any and all accounts, money or currency held by or under the control of defendant, Imperial Pacific International (CNMI), LLC, including, but not limited to, checking account funds, savings account funds, private reserve

1 account funds, CDs, cash, currency in safety deposit boxes and make return of this writ, and the
2 execution thereof, according to law in an amount not exceeding \$5,650,000.00 and are
3 commanded to deposit all monies seized from the FIRST HAWAIIAN BANK into the Court's
4 registry or account where said proceeds shall remain until after Imperial Pacific International
5 (CNMI), LLC has had an opportunity for an exemptions hearing.
6

7 IN WITNESS WHEREOF, I, Heather Kennedy, Clerk of said Court, have set my hand
8 this the 28th day of May, 2020.

9 HEATHER KENNEDY, Clerk
10 United States District Court
11 For the Northern Mariana Islands

12 BY: _____
13 Clerk of Court
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EXHIBIT 5

THOMPSON LAW, LLC

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LLC,**

Plaintiff,

vs.

**IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,**

Defendant.

Case No. 1:19-cv-00016

**NOTICE OF WRIT OF
EXECUTION**

TO: IMPERIAL PACIFIC INTERNATIONAL (CNMI), LLC

A Writ of Execution was issued against you. It was issued because there is an outstanding judgment against you [ECF 106]. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

Exempt Property. The law provides that certain property cannot be taken. Such property is said to be exempt. There may be exemptions that may be applicable to you. You may have other rights.

1 If you have an exemption, you should demand a prompt hearing from the Court. You
2 should come to court ready to explain your exemption. If you do not come to court and prove
3 your exemption, you may lose some of your property.

4
5 Property Belonging to Another Person. If there is property in your bank account that
6 belongs to another person or that you own with another person, you should notify that person so
7 that he/she can file a property claim or other legal papers with the Court to prevent his/her
8 property from being taken or sold at a United States Marshal's sale to satisfy your debt.